

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**PLAINTIFF'S UNOPPOSED MOTION TO SUBSTITUTE PARTY
AND AMEND THE COMPLAINT**

Plaintiff Joe Hayward, by and through undersigned counsel, and pursuant to FRCP
25(a) and 15(a)(2) hereby move the Court to substitute Joe Hayward Jr., Expected
Administrator of the Estate of Joe Hayward, as Plaintiff by way of an Amended Short
Form Complaint in the form attached hereto as Exhibit 1, and in support, states as
follows:

1. Plaintiff Joe Hayward was implanted with a Bard IVC Filter and subsequently discovered injuries in 2017. Plaintiff retained undersigned counsel, who filed a Complaint on her behalf against the Defendants for Joe Hayward's IVC Filter-related injuries.
 2. This case is part of a settlement with Bard.
 3. Plaintiff Joe Hayward unexpectedly passed away August 8th, 2020.
 4. Joe Hayward Jr. is the Expected Administrator of the Estate of Joe Hayward.
 5. Federal Rule of Civil Procedure 25(a)(1) provides that "if a party dies and the claim is not extinguished, the court may order substitution of the proper party. A

1 motion for substitution may be made by any party or by the decedent's successor
2 or representative."

3 6. Plaintiff hereby submits an Amended Short Form Complaint, attached hereto as
4 Exhibit 1, which substitutes Joe Hayward Jr., Expected Administrator of the Estate
5 of Joe Hayward, as Plaintiff.

6 7. The death certificate of Joe Hayward has been requested by Plaintiff's counsel.

7 10. 8. The Suggestion of Death for Joe Hayward was filed contemporaneously herewith.

8 11. 9. Counsel for Defendants has indicated that they have no objection to this motion.

9 12. WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's Unopposed
10 Motion to Substitute Party and Amend the Complaint and order the Clerk to file the
11 Amended Short Form Complaint, attached hereto as Exhibit 1.

12 DATED: 08/28/2020

13 Respectfully Submitted,

14 /s/ Marlene J. Goldenberg
15 Stuart L. Goldenberg (*pro hac vice*)
16 Marlene J. Goldenberg (*pro hac vice*)
17 **GOLDENBERGLAW, PLLC**
18 800 LaSalle Avenue, Suite 2150
19 Minneapolis, MN 55402
20 Tel: (612) 333-4662
21 slgoldenberg@goldenberglaw.com
22 mjgoldenberg@goldenberglaw.com
23
24
25
26
27
28

Attorneys for Plaintiffs